

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**UNITED STATES OF AMERICA,**

No. CR 09-170-MO

Plaintiff,

OPINION AND ORDER

v.

**JAMES ALBERT JACKSON,**

Defendant.

**MOSMAN, J.,**

This matter comes before the Court on defendant's Motion to Dismiss Based on Violation of Speedy Trial Act (#229). Pursuant to 18 U.S.C. § 3161(h)(4), the Court finds excludable delay during the contested transportation period from March 1, 2010, when defendant was declared mentally incompetent to stand trial, to July 21, 2010, when defendant arrived at the Bureau of Prisons medical facility in Springfield, Missouri for further evaluation and treatment. Because defendant has been declared mentally incompetent, delays associated with the declaration of mental incompetence are governed by § 3161(h)(4) rather than § 3161(h)(1)(F). Accordingly, defendant's Motion to Dismiss (#229) is DENIED.

IT IS SO ORDERED.

DATED this 16th day of September, 2010.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court